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Third Party Plaintiffs ASSURANCE
COMPANY OF AMERICA and MARYLAND
CASUALTY COMPANY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED NATIONAL INSURANCE
COMPANY, licensed to business in the State
of Nevada,

Plaintiff,

vs.

ASSURANCE COMPANY OF AMERICA,
licensed to do business in the State of Nevada,
and MARYLAND CASUALTY COMPANY,
licensed to do business in the State of Nevada,

Defendants.

ASSURANCE COMPANY OF AMERICA,
and MARYLAND CASUALTY COMPANY,

Counterclaimants,

vs.

UNITED NATIONAL INSURANCE
COMPANY, and NATIONAL FIRE &
MARINE INSURANCE COMPANY,

Counterdefendants.

ASSURANCE COMPANY OF AMERICA,
and MARYLAND CASUALTY COMPANY,

Third-Party Plaintiffs,

vs.

NATIONAL FIRE & MARINE INSURANCE
COMPANY,

Third-Party Defendant.

CASE NO.: 2:10-cv-01086-MMD-NJK

**STIPULATION AND (PROPOSED)
ORDER REGARDING THE BRIEFING
SCHEDULES FOR ASSURANCE
COMPANY OF AMERICA'S AND
MARYLAND CASUALTY COMPANY'S
MOTION FOR SUMMARY JUDGMENT
RE UNITED NATIONAL INSURANCE
COMPANY'S FIRST AMENDED
COMPLAINT [ECF No. 119]**

PURSUANT TO LOCAL RULE 7-1, Defendants/Counterclaimants/Third-Party Plaintiffs Assurance Company of America ("Assurance") and Maryland Casualty Company ("Maryland") (jointly "Zurich"); and Plaintiff/Counter-Defendant United National Insurance Company ("United National") (collectively, the "Parties") hereby stipulate and agree as follows:

1. On September 13, 2012, Zurich filed its Motion for Summary Judgment on United National Insurance Company's First Amended Complaint (EFC No. 81). After receiving an extension of time in which to respond to the motion, on October 17, 2012, United National brought an emergency motion for relief under FRCP 56(d) to conduct additional discovery before responding to Zurich's Motion for Summary Judgment against United National. On October 19, 2012, the court granted United National's motion and ordered that United National's opposition to Zurich's Motion for Summary Judgment would not be due until 15 days after the FRCP 30(b)(6) deposition of Zurich takes place. (EFC No. 92)

2. To date, Zurich's FRCP 30(b)(6) deposition has not been scheduled as the parties agreed that it would be scheduled after the court rules on Cross-Defendant National Fire & Marine Insurance Company's ("National Fire") currently pending Motion to Compel which was filed on December 24, 2012. (EFC No. 98) The timing of Zurich's FRCP 30(b)(6) deposition is also subject to the Stipulation filed by the parties on January 16, 2013 and by the Court's January 16, 2013 Minute Order (EFC No. 116) which extends the time to take the deposition of Zurich's FRCP 30(b)(6) witness to a time to be determined by the Court when it rules of the parties' pending motions to compel.¹

3. On January 16, 2013, Zurich and National Fire took the deposition of United National FRCP 30(b)(6) witness Doreen Fournier. Pursuant to that deposition, on February 15, 2013, Zurich withdrew its pending Motion for Summary Judgment (EFC No. 81) and filed a new Motion for Summary Judgment regarding United National's First Amended Complaint that contains additional evidence including deposition testimony from the Deposition of United

¹ Zurich and National Fire also have competing pending discovery motions regarding the taking of National Fire's FRCP 30(b)(6) witness and supplemental discovery responses.

1 National taken on January 16, 2013 (EFC No. 119).

2 4. The parties' agree that the Court's order (EFC No. 92) on the timing of United
3 National's opposition to Zurich's prior Motion for Summary Judgment applies to the timing of
4 United National's opposition to Zurich's current pending Motion for Summary Judgment (EFC
5 No. 119).

6 5. Zurich and United National agree that United National shall have until fifteen (15)
7 days after United National is able to depose Assurance and Maryland's FRCP 30(b)(6)
8 representative(s) and Robert Derchi, in his individual capacity, in which to file a response to
9 Zurich's Motion for Summary Judgment regarding United National's First Amended Complaint
10 (EFC No. 119).

11 DATED this 7th day of March, 2013

DATED this 7th day of March, 2013

12 MORALES FIERRO & REEVES

CHRISTIAN, KRAVITZ, DICHTER
JOHNSON and SLUGA, LLC

14 By: /s/Ramiro Morales
15 Ramiro Morales
16 David Astengo
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17 *Attorneys for Defendants/Counterclaimants/
18 Third Party Plaintiffs Assurance Company of
American and Maryland Casualty Company*

*Attorneys for Plaintiff and Counter-Defendant
United National Insurance Company*

19
20 It is ORDERED that United National Insurance Company shall have (15) fifteen days after
21 it is able to depose Assurance and Maryland's FRCP 30(b)(6) representatives and
22 Robert Derchi, in his individual capacity, to file a response to Assurance Company of America
23 and Maryland Casualty Company's Motion for Summary Judgment on United National Insurance
24 Company's First Amended Complaint (EFC No. 119).



UNITED STATES DISTRICT JUDGE

Dated: March 8, 2013

1 Respectfully Submitted by:

2 MORALES FIERRO & REEVES

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6 David Astengo
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